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February 23, 2022

The Honorable Martin J. Walsh
Secretary
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Walsh:

Recent news stories have reported on your ongoing interest in actively participating in labor-management disputes, possibly including Major League Baseball and the West Coast ports.¹ We have previously written concerning your involvement in labor-management disputes—particularly on the side of striking workers.² We write today seeking answers to our previous letter, asking additional questions, and expressing our concerns about your apparent one-sided interest in labor-management negotiations on behalf of organized labor.

On October 27, 2021, you joined members of the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union on the picket line during their strike activity at Kellogg's Lancaster, Pennsylvania, plant.³ Your participation clearly demonstrated a one-sided view of labor-management relations, harmed the integrity of your office, and called into question the neutrality of the Department of Labor (DOL) by inappropriately inserting the federal government on one side of a labor dispute. For more than 70 years, federal labor law has struck a careful balance between the right of labor unions to organize and bargain collectively on behalf of employees, the right of employers to respond to those organizing and bargaining efforts, and the

¹ Nick Niedzwiadek & Eleanor Mueller, *Walsh Wants His Turn At Bat*, POLITICO PRO, Feb. 14, 2022, <https://subscriber.politicopro.com/newsletter/2022/02/14/walsh-wants-his-turn-at-bat-00008514>; Eleanor Mueller et al., *Wheeling-and-Dealing Walsh*, POLITICO PRO, Jan. 28, 2022, <https://subscriber.politicopro.com/newsletter/2022/01/wheeling-and-dealing-walsh-00003093>.

² Letter from Sen. Richard Burr, Ranking Member, S. Comm. on Health, Educ., Lab. & Pensions et al., to Martin J. Walsh, Sec'y of Lab. (Nov. 2, 2021), https://republicans-edlabor.house.gov/UploadedFiles/Burr_Foxx_Braun_Allen_to_Walsh_re_picket_line_110221.pdf.

³ Tim Mekeel, *'I Stand With You Today': U.S. Labor Secretary Walsh Visits Kellogg Strikers In Lancaster*, LANCASTERONLINE, Oct. 27, 2021, https://lanasteronline.com/business/local_business/u-s-labor-secretary-walsh-visits-kellogg-strikers-in-lancaster-voices-support-for-worker-rights/article_a44481d0-374a-11ec-b6cc-9713be39d7fa.html.

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right of employees to refrain from participating in or funding union activity. Your actions risk disrupting that balanced framework.

On November 2, 2021, we wrote to you with Sen. Richard Burr (R-NC), Ranking Member of the Senate Committee on Health, Education, Labor and Pensions, and Sen. Mike Braun (R-IN), Ranking Member of the Subcommittee on Employment and Workplace Safety, requesting information about your participation in the Kellogg's strike. The information we requested is critical to our understanding of what ethics advice you received from DOL's Office of Legal Counsel prior to your participation in the Kellogg's strike and of what your plans are for participating in enforcement actions following your October visit to the Kellogg's plant. We have been waiting for your response to these important questions for more than three months. We again request you respond to our previous questions.

Given your stated interest in participating in future labor disputes, please respond to these additional questions:

1. Have you received requests from any individual or group, either formally or informally—including but not limited to the White House—seeking your participation in strikes or other labor-management activity since becoming Secretary of Labor? If so, please provide such information.
2. Will you commit to recuse yourself from all investigations and enforcement actions related to any party involved in a strike or other labor-management activity at which you participated or appeared or may participate or appear in the future?
3. Will you commit to seeking ethics advice prior to each such visit or participation? We request any guidance or advice you have received on the legality of such actions and your ethical obligations related to these visits prior to your participation or appearance.

We look forward to your response with the information we requested in our November 20, 2021 letter and in this letter by no later than March 9, 2022. Thank you for prompt attention to our inquiry.

Sincerely,



Virginia Foxx
Ranking Member



Rick W. Allen
Ranking Member
Subcommittee on Health, Employment,
Labor and Pensions